

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYLER DENBY,

Defendant.

4:22CR3027

ORDER

Defendant has requested new counsel because he is not satisfied with counsel's representation. (Filing No. 81). Defendant is eligible for appointed counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska.

IT IS ORDERED:

- 1) Defense counsel's motion to appoint new counsel, (Filing No. 81), is granted. Chad Wythers is hereby withdrawn as counsel and shall promptly notify Defendant of the entry of this order.
- 2) The clerk shall delete Chad Wythers from any future ECF notifications herein.
- 3) The clerk shall forward this memorandum and order to the Federal Public Defender.
- 4) The Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.
- 5) The newly appointed counsel shall promptly file an entry of appearance on behalf of Defendant.
- 6) A telephonic conference with counsel will be held before the assigned magistrate judge at 9:00 a.m. on January 30, 2024 to discuss setting any change of plea hearing, or the date of the jury trial and deadlines for

disclosing experts as required under Rule 16. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call.

- 7) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between October 19, 2023 (when defendant began questioning his attorney's ability and effort in representation) and January 30, 2024 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 11th day of January, 2024.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge